

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 9<sup>th</sup> DAY OF FEBRUARY 2004, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	James D. Politis	-Chair
	Annette S. Perkins	-Vice Chairman
	Mary W. Biggs	-Supervisors
	Gary D. Creed	
	Douglas W. Marrs	
	John A. Muffo	
	Steve L. Spradlin	
	B. Clayton Goodman, III	-County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers	-Planning Director
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary

### **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

The Chair called the meeting to order and the Pledge of Allegiance was recited.

### **PUBLIC ADDRESS SESSION**

Michelle Bouchard updated the Board on the New River Valley Community Action. Ms. Bouchard reported 3,753 county citizens were served through numerous NRVCA services in 2003. Services include emergency assistance program, emergency heating and cooling program, homeless intervention and elimination, clothing bank, and a head start program. Ms. Bouchard stated NRVCA is striving to improve the lives of citizens who need help. She thanked the Board for their time and support of the NRVCA.

Amy Hassly addressed the Board on the Head Start Program through the New River Valley Community Action. Ms. Hassly stated that she has two children in the Head Start Program which is an excellent program. This program allows her to have child care services which enables her to work.

Sheriff Tommy Whitt addressed the Board concerning Lawrence & Lura Estes' special use permit request for a telecommunications tower. Sheriff Whitt indicated that U.S. Cellular has offered them a position on the proposed tower at 65 feet for an emergency services antenna, and it is his intention to accept the offer. There have been questions by the Board about whether the 65 ft. position will allow for proper coverage for emergency services. As soon as weather permits access to the site, the height will be tested to determine if the location is suitable. Sheriff Whitt believes the location will be suitable and has accepted U.S. Cellular's offer.

Kelly Roark, President of the Montgomery County Education Association, spoke in support of the School Board's proposed budget that will be presented to the Board later in the meeting. The proposed budget includes an increase in compensation for teachers. She reported that members of the MCEA and teachers were in Richmond earlier today lobbying the General Assembly for additional state funding for teacher raises. Ms. Roark urged the Board to continue requesting our state legislators to fund education, as well as law enforcement.

Alicia Spitzer spoke in support of the School Board's proposed budget and the need for additional funding for teacher raises. She expressed her concern that most people do not believe the educational field is for the long term. States and localities that offer competitive salaries do retain teachers. Ms. Spitzer also expressed concern about a proposed bill that has been introduced in the General Assembly that would require teachers to pass a test before their contract can be renewed. Ms. Spitzer urged the Board to support the three year salary plan as proposed in the School budget.

There being no further speakers, the public address session was closed.

## **ADDENDUM**

On a motion by Mary W. Biggs seconded by Douglas W. Marrs and carried unanimously, the following Addendum dated February 9, 2004 was added to the agenda:

### **1. CLOSED MEETING**

- |                  |   |
|------------------|---|
| Section 2.2-3711 | (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body |
|                  | 5. Parks and Recreation Commission  |
|                  | 6. Personnel  |

**2. APPOINTMENT-PARKS AND RECREATION COMMISSION**

**3. INTO WORK SESSION**

Sheriff

The vote on the foregoing motion was as follows:

AYE

NAY

John A. Muffo None

Gary D. Creed

Annette S. Perkins

Steve L. Spradlin

Douglas W. Marrs

Mary W. Biggs

James D. Politis

**CONSENT AGENDA**

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated February 9, 2004 was approved.

The vote on the foregoing motion was as follows:

AYE

NAY

Mary W. Biggs

None

Douglas W. Marrs

Steve L. Spradlin

Annette S. Perkins

Gary D. Creed

John A. Muffo

James D. Politis

**Approval of Minutes**

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously, the minutes dated January 12, 2004 were approved.

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### **Christiansburg Volunteer Rescue Squad - Appropriation**

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2004, for the function and in the amount as follows:

330	Christiansburg Volunteer Rescue Squad	\$11,500
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The source of the funds for the foregoing appropriation is as follows:

#### **Revenue Account**

02-419108	Recovered Costs	\$11,500
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Said resolution appropriates funds received from the sale of a surplus Christiansburg Volunteer Rescue ambulance.

### **Two For Life Fund Allocation - Volunteer Rescue Squad**

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2004, for the function and in the amount as follows:

331	Fire and Rescue Grants-Two for Life	\$31,117
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The source of the funds for the foregoing appropriation is as follows:

#### **Revenue Account**

23312-424401	Two for Life	\$31,117
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Said resolution appropriates funds received from the Two for Life program for use by volunteer Rescue Squads.

### **Dog and Cat Sterilization-Supplemental Appropriation**

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2004, for the function and in the amount as follows:

510	Dog and Cat Sterilization	\$2,155
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The source of the funds for the foregoing appropriation is as follows:

#### **Revenue Account**

413101	Dog and Cat Sterilization	\$2,155
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Said resolution appropriates monies received as part of the Dog and Cat Sterilization Program.

### **Final Plat - White Subdivision**

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, White Subdivision consists of 13 lots located off Peppers Ferry Road and has been found to meet the requirements of the Montgomery County Code Chapter 8, Article IV (Subdivision Ordinance); and

WHEREAS, The Montgomery County Code, Section 8-156 provides that a subdivider shall make adequate provision for storm and floodwater runoff and that if a subdivision involves new streets, the Virginia Department of Transportation shall determine that adequate provision for runoff will be taken; and

WHEREAS, The Virginia Department of Transportation requires that Montgomery County assume maintenance responsibility and liability that might arise from detention facilities in subdivisions; and

WHEREAS, The Montgomery County Code, Section 8-157 provides for approval by the County

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of stormwater detention facilities conditioned upon agreement being entered into by the County and a homeowners association whereby the association assumes all liability for the maintenance and operation of the stormwater detention facilities; and

WHEREAS, The developer of White Subdivision has agreed that said responsibility shall be assumed by the homeowners association.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby approve the Final Plat of White Subdivision (Draper Aden Associates Project No. B01168 dated August 22, 2002), Prices Fork Magisterial District.

FURTHER, The Chairman is hereby authorized to sign said plat for recordation.

## **APPOINTMENTS**

### **Local Emergency Planning Committee (LEPC)**

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby recommends that the Virginia Emergency Response Council appoint the following individuals to the Joint Blacksburg/Montgomery County Local Emergency Planning Committee (LEPC):

B. Clayton Goodman, III  
Montgomery County Administrator  
755 Roanoke Street, Suite 2E  
Christiansburg, VA 24073

J.T. (Tommy) Whitt, Sheriff  
Montgomery County Sheriff's Office  
16 South Franklin Street  
Christiansburg, VA 24073

Danny Kennedy  
Carilion NRV Medical Center  
2900 Tyler Road  
Radford, VA 24141

### **Read Across America**

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The citizens of Montgomery County stand firmly committed to promoting reading as

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the catalyst for our students' future academic success, their preparation for America's jobs of the future, and their ability to compete in a global economy; and

WHEREAS, The Montgomery County School Board has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is key to the community's well being and long-term quality of life; and

WHEREAS, The National Education Association's (NEA) "Read Across America", a national celebration of Dr. Seuss's birthday, March 2, 2004, promotes reading and adult involvement in the education of our community's students.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia calls on its citizens to assure that every child is in a safe place reading together with a caring adult on March 2, 2004.

BE IT FURTHER RESOLVED, That the Board of Supervisors enthusiastically endorses NEA's "Read Across America" and recommits our community to engage in programs and activities to make America's children the best readers in the world.

## **OLD BUSINESS**

### **Special Use Permit - James W. Radford, Jr. (Agent: Gay & Keesee, Inc.) - TABLED**

On a motion by Annette S. Perkins, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the James Radford, Jr. (Agent; Gay & Keesee, Inc) request for an amendment to a Special Use Permit granted on January 13, 1986 in a Planned Mobile Home Residential Park (PMR) to allow an expansion of the existing Oak Forest Mobile Home Park to 219 units is hereby **TABLED** to the February 23, 2004 Board of Supervisors meeting in order for the Planning Department to confer with the applicant on additional conditions concerning the stormwater management issue and the existing detention pond.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
Gary D. Creed	
John A. Muffo	
Mary W. Biggs	

Douglas W. Marrs  
Steve L. Spradlin  
James D. Politis

**Rezoning Request - Davie Whitlock**

**ORDINANCE 2004 -03  
An Ordinance Amending the Zoning  
Classification of 23.829 acres from  
from Agriculture (A-1) to Rural Residential (R-R)**

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of approximately 22 acres of land is hereby amended and rezoned from the zoning classification of Agriculture (A-1) to Rural Residential (R-R) with the following proffered conditions:

1. No more than fifteen (15) lots total.
2. No driveway openings on Walton Road.
3. Only seven (7) driveways on Spaulding Road.
4. No shared wells or septic.

This action was commenced upon the application of Davie Whitlock.

The property is located at the southeastern corner of the Spaulding/Walton Road intersection and is identified as Tax Parcel Nos. 77-A-73, 74, 75 & 76 (Acct ID # 003402,003403,003404,003401) in the Riner Magisterial District. The property currently lies in an area designated as Rural in the Comprehensive Plan

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

AYE

Gary D. Creed None  
John A. Muffo

NAY



Mary W. Biggs  
Douglas W. Marrs  
Annette S. Perkins  
Steve L. Spradlin  
James D. Politis

**Special Use Permit - Lawrence & Lura Estes - Telecommunications Tower**

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Lawrence & Lura Estes (Agent: Site Solutions for US Cellular) request for a Special Use Permit in Agriculture (A-1) to allow a 90-foot telecommunications tower is hereby approved subject to the following conditions:

1. Structure shall be a monopole design and shall not exceed eighty-five (85) feet in overall height with an approximate ground elevation of 1,834 feet.
2. Utilities shall follow access easement as shown on the survey prepared by Balzer & Associates dated September 6, 2003. The zoning administrator shall approve any changes.
3. All construction shall be in substantial conformance with plans for "New Ellett Site" prepared by Burns & McDonnell dated September 30, 2003, last revised December 22, 2003. Antennae shall be mounted no more than twenty-four (24) inches from the pole. All cables and wiring shall be mounted within the tower structure so they are not visible from the outside.
4. Existing vegetative buffer shall be maintained around the entire perimeter of the lease area.
5. Tower shall comply with regulations concerning telecommunications towers found in Section 10-48(6) of the Montgomery County Zoning Ordinance.
6. US Cellular shall provide Montgomery County Emergency Services antennae space on the proposed tower at approximately 65 feet above the ground for the agreed upon rental rate of \$1 per year subject to the structural capacity of the tower and provided that the County's antenna does not provide radio frequency interference to other antennae located

on the tower.

7. Tower owner shall provide co-location opportunity for at least one additional cellular provider.
8. In accordance with Section 10-54(j) of the Montgomery County Zoning Ordinance, this Special Use Permit shall become void in two years if substantial construction has not taken place.
9. Supplemental power shall be provided by a propane-powered generator. No diesel fuel shall be permitted.
10. All junk and inoperable vehicles shall be removed from the property within sixty (60) days of approval.

The property is located adjacent to 916 Den Hill Road and is identified as Tax Parcel Nos. 68-A-144, 145 & 68-5-23C (Acct. ID # 006179,006178 & 024933) in the Mt. Tabor Magisterial District. The property currently lies in an area designated as Agriculture/Rural in the Comprehensive Plan

The vote on the foregoing resolution was as follows:

AYE

NAY

John A. Muffo None

Mary W. Biggs

Douglas W. Marrs

Steve L. Spradlin

Gary D. Creed

Annette S. Perkins

James D. Politis

**INTO WORK SESSION**

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Presentation of the Montgomery County Public School's FY 2004-2005 Budget
2. New River Valley Community Services Board
3. County's Participation in VDOT's Revenue Sharing Program
4. Update - History of Montgomery County Project by the Montgomery Museum

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## 5. Sheriff

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Douglas W. Marrs	None
Steve L. Spradlin	
Gary D. Creed	
Annette S. Perkins	
Mary W. Biggs	
John A. Muffo	
James D. Politis	

### **Montgomery County School Proposed Budget - FY 2004-2005**

The Montgomery County School Board presented their FY 2004-2005 proposed budget to the Board. Tacy Newell, Chair of the School Board, began the presentation by thanking the Board for their past collaboration on school facility improvements and teacher compensation. Ms. Newell described key priorities in the upcoming budget, which includes compensation, pupil/teacher ratios, and continue building communication and collaboration between the School Board and the Board of Supervisors.

Walt Shannon, Financial Management Director, reported that the FY 2004-2005 Proposed School Budget totals \$82,967,451, an increase of \$6,648,477, from last year. Mr. Shannon described the increases in the rollover budget which includes a decrease in debt service, increase in health insurance, compensation, and operating expenses ( increase in postage, advertising and telecommunications). The total increase in the roll over budget is \$1,361,907. The additional request for funding includes \$4,941,139 for compensations, which includes increase in the Virginia Retirement System, health insurance increase, and \$345,431 for new requests.

Fred Morton, Superintendent, presented the proposed Compensation Plan in the FY 04-05 School Budget. Mr. Morton reported a salary survey was conducted for comparison of teachers salaries with bachelors degrees. The survey included a local band of ten surrounding counties, state wide band with seven counties that were comparable to Montgomery. It was determined that Montgomery County ranked low in all comparisons. The School Board is proposing a three year phase-in compensation plan in order to increase the teacher salaries to comparable salaries in the state. The projected cost is as follows: Year 1-\$2.5 million, Year 2-\$3.2 million and Year 3 - \$1.9 million dollars. This plan would help target state average benchmarks, correct problems of mid-career slumps, and increase starting salaries.

In summary, Mr. Morton thanked the Board of Supervisors for their past support and urged the Board to review the proposed FY 04-05 budget and take into consideration all the requests in the budget.

### **New River Community Services**

Lynn Chenault, Director of the New River Community Services Board, updated the Board on the progress of the New River Community Services. He reported last year the NRVCS leveraged \$4.5 million in federal and state funding and served 1,487 county citizens. With the County's contribution every year, NRVCS can receive federal funding.

Mr. Chenault introduced Eunice Jones, a client who uses the services of NRVCS. Ms. Jones has a daughter with a rare disease which inhibits her mental growth and makes her very violent. She praised the staff at the NRVCS, who has helped her with her daughter. The staff has researched the disease and has determined with proper medication her violent outbursts can be controlled. She is living in a group family home where she can be monitored and receive the support she needs. Ms. Jones believes the NRVCS has went beyond the call of duty to help her with her daughter.

### **Sheriff**

Sheriff Tommy Whitt addressed the Board in reference to the School Resource Officers (SRO). He stated that the County received a grant to fund two SRO positions for the past several years. The grant will expire in June 2004 and is non-renewable. Sheriff Whitt requested the Board to consider funding these positions. These SRO's are for the Eastern Montgomery High School and the Auburn High School. The two towns provide SRO's for the Blacksburg and Christiansburg High School. He believes these positions make a difference in the schools, and stressed the importance of having law enforcement presence in the schools.

Sheriff Whitt also addressed the Board about the need for four wheel drive (4-WD) vehicles. The Sheriff's Office currently has 3 4-WD vehicles in the vehicle fleet. Two of the vehicles are 1990 Bronco II's and have over 150,000 miles; and one 1998 Ford Explorer with a mileage of 119,000. There is a critical need to replace the vehicles and Sheriff Whitt urged the Board to consider this request during budget discussions.

### **Virginia Department of Transportation - Revenue Sharing Program**

The County Administrator reported that the deadline to participate in VDOT's Revenue Sharing Program for FY 2004-2005 is March 1, 2004. The Board of Supervisors must notify VDOT of its intent to participate and the amount of local funds to be provided, not to exceed \$500,000. In the past, the Board has provided \$100,000. The County Administrator suggested the Board review the information provided for them in their agenda packet and make their decision at their February 23, 2004 Board meeting.

Supervisors Politis requested the Board to consider allocating the maximum amount of \$500,000 for FY 04-05, this in turn will be matched by VDOT and the County will have \$1 million to use toward road

projects. Supervisor Politis also requested the Board to consider using the revenue sharing funds to upgrade the Rt. 8 and Fairview Church Road intersection. He believes this intersection to be the most dangerous intersection in the County, and improvements need to be made. He reported that the cost for improving this intersection is estimated around \$2 million.

The Board directed staff to contact VDOT to get a current cost estimation on the improvements to Rt. 8 and Fairview Church Road intersection and if revenue sharing money can be carried over for one project. They also requested information on what types of projects can be funded through the revenue sharing program. The Board requested this information by their February 23, 2004 meeting in order to determine the amount of funding to be allocated for FY 04-05.

### **History of Montgomery - Montgomery Museum**

The County Administrator received a time frame and price estimate on the History of Montgomery County project. The project will be done in phases over three years to be completed in time for the statewide Jamestown 2007 celebration. The cost of the project is estimated at \$124,000. The author's research and writing fee-\$60,000; editing and miscellaneous costs - \$12,000; and publishing and printing - \$52,000. Funding will be requested from the County over the next three fiscal years. A total of \$36,000 is requested for this upcoming fiscal year.

The Board briefly discussed the cost of the project and requested staff to contact the Montgomery Museum about how the Museum intends to use the proceeds from the sale of the books. Several Board members expressed their concerns about the cost of the project and stated that a portion of the proceeds should be appropriated back to the County to help offset the expenses.

### **OUT OF WORK SESSION**

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Steve L. Spradlin	None
Gary D. Creed	
Annette S. Perkins	
John A. Muffo	

Douglas W. Marrs  
Mary W. Biggs  
James D. Politis

## **BOARD MEMBERS' REPORTS**

Supervisor Muffo received an e-mail from Lynn Chenault, Director of New River Valley Community Services, expressing concerns with Goodwill Industries' request for an increase in their funding from the County for FY 04-05. Supervisor Muffo believes this is a budget issue and can be considered when the Board discusses the budget.

Supervisor Biggs reported she is circulating a petition that will be forwarded to Governor Warner requesting more funding for education and teacher compensation. She believes the State should pay their fair share of education and not pass on the increasing cost to localities.

Supervisor Perkins reported she has been invited to serve on Virginia Association of Counties' Transportation Steering Committee and Conference Planning Steering Committee.

Scheduling Closed Meeting Session prior to regular meeting Supervisor Perkins suggested the Board discuss the possibility of scheduling the Boards' closed meeting sessions prior to the regular meetings. They could meet at 6:00 p.m. to enter into the closed meeting portion of the meeting. She asked the Board members to consider this idea and forward any comments or concerns to her. Several Board members asked that this be added to the Board Retreat agenda for consideration.

Interviewing Applicants for Boards/Commissions/Authorities Supervisor Perkins asked the Board to consider the possibility of interviewing applicants who wish to serve on boards/commissions/authorities.

Supervisor Spradlin attended the following meetings over the past few weeks: RC&D, Fire and Rescue Task Force meeting, and the Blacksburg Volunteer Rescue Squad meetings.

Road Concern - Quartz Lane - Supervisor Spradlin received a call from a concerned citizen about a metal rod protruding from the middle of the road on Quartz Lane. He requested that staff contact VDOT about this concern.

Supervisor Politis Joint Board of Supervisors and School Board Meeting Supervisor Politis commented that there is interest in scheduling quarterly joint meetings with the School Board by both the School Board and members of the Board of Supervisors. Supervisor Biggs noted she is in agreement with continuing to have joint meetings with the School Board. These meetings have proven to be instrumental in the past. The County Administrator was instructed to add this item to the County/School Liaison agenda.

Inclement Weather Policy Supervisor Politis received several calls from employees concerning the County's Inclement Weather Policy. Currently, the policy states that the County will not close due to inclement weather. If employees believe they cannot get to work due to the weather they can use their leave time. The Board discussed the issue and instructed the County Administrator to review the policy and provide recommendations back to the Board.

### **INTO CLOSED MEETING**

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711      (1)      Discussion , Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
1. Human Services Commission (2 appointments)
  2. Industrial Development Authority (2 appointments)
  3. Juvenile Detention Commission
  4. Board of Zoning Appeals
  5. Parks & Recreation
  6. Personnel

The vote on the foregoing motion was as follows:

AYE

NAY

John A. Muffo   None

Gary D. Creed

Annette S. Perkins

Steve L. Spradlin

Douglas W. Marrs

Mary W. Biggs

James D. Politis

### **OUT OF CLOSED MEETING**

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

#### **AYE**

John A. Muffo  
Gary D. Creed  
Annette S. Perkins  
Steve L. Spradlin  
Douglas W. Marrs  
Mary W. Biggs  
James D. Politis

#### **NAY**

None

### **EXTEND MEETING**

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously, the Board hereby extends the meeting beyond 11:30 p.m., as in accordance with #20 of the Rules of Order and Parliamentary Procedures adopted by the Board of Supervisors on January 12, 2004.

The vote on the foregoing motion was as follows:

#### **AYE**

John A. Muffo  
Gary D. Creed  
Annette S. Perkins  
Steve L. Spradlin  
Douglas W. Marrs  
Mary W. Biggs  
James D. Politis

#### **NAY**

None

### **INTO CLOSED MEETING**

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously,



BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711      (1)      Discussion , Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
1. Human Services Commission (2 appointments)
  2. Industrial Development Authority (2 appointments)
  3. Juvenile Detention Commission
  4. Board of Zoning Appeals
  5. Parks & Recreation
  6. Personnel

The vote on the foregoing motion was as follows:

AYE

NAY

John A. Muffo   None  
Gary D. Creed  
Annette S. Perkins  
Steve L. Spradlin  
Douglas W. Marrs  
Mary W. Biggs  
James D. Politis

**OUT OF CLOSED MEETING**

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

AYE

NAY

John A. Muffo None

Gary D. Creed

Annette S. Perkins

Steve L. Spradlin

Douglas W. Marrs

Mary W. Biggs

James D. Politis

**CERTIFICATION OF CLOSED MEETING**

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

John A. Muffo

Gary D. Creed

Annette S. Perkins

Steve L. Spradlin

Douglas W. Marrs

Mary W. Biggs

James D. Politis

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NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

**APPOINTMENTS**

**Human Services Commission**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Alfred M. Pheley** to the Human Services Commission effective February 10, 2004 and expiring February 9, 2007.

The vote on the foregoing resolution was as follows:

AYE

NAY

Mary W. Biggs None

John A. Muffo

Gary D. Creed

Annette S. Perkins

Steve L. Spradlin

Douglas W. Marrs

James D. Politis

**Industrial Development Authority**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

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BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Gerald W. Higgins** to the Industrial Development Authority effective February 10, 2004 and expiring February 9, 2008.

The vote on the foregoing resolution was as follows:

AYE

NAY

Mary W. Biggs None

John A. Muffo

Gary D. Creed

Annette S. Perkins

Steve L. Spradlin

Douglas W. Marrs

James D. Politis

### **Industrial Development Authority**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Michael B. Miller** to the Industrial Development Authority effective February 10, 2004 and expiring February 9, 2008.

The vote on the foregoing resolution was as follows:

AYE

NAY

Mary W. Biggs None

John A. Muffo

Gary D. Creed

Annette S. Perkins

Steve L. Spradlin

Douglas W. Marrs

James D. Politis

### **Juvenile Detention Commission**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

February 9, 2004

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BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Stephen T. Grieco** to the Juvenile Detention Commission effective February 10, 2004 and expiring February 9, 2008.

The vote on the foregoing resolution was as follows:

AYE

Mary W. Biggs None  
John A. Muffo  
Gary D. Creed  
Annette S. Perkins  
Steve L. Spradlin  
Douglas W. Marrs  
James D. Politis

NAY

**Board of Zoning Appeals**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby recommends to the Circuit Court Judge, the appointment of **Jerome R. Smith** to the **Board of Zoning Appeals** effective February 10, 2004 and expiring February 9, 2009.

The vote on the foregoing resolution was as follows:

AYE

Mary W. Biggs None  
John A. Muffo  
Gary D. Creed  
Annette S. Perkins  
Steve L. Spradlin  
Douglas W. Marrs  
James D. Politis

NAY

### **Parks and Recreation Commission**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Larry N. Rush** as District B representative to the Parks and Recreation Commission effective February 10, 2004 and expiring February 9, 2007.

The vote on the foregoing resolution was as follows:

#### **AYE**

Mary W. Biggs None  
John A. Muffo  
Gary D. Creed  
Annette S. Perkins  
Steve L. Spradlin  
Douglas W. Marrs  
James D. Politis

#### **NAY**

### **ADJOURNMENT**

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously, the Board adjourned to Monday, February 23, 2004 at 7:15 p.m.

The vote on the foregoing motion was as follows:

#### **AYE**

John A. Muffo None  
Gary D. Creed  
Annette S. Perkins

#### **NAY**

Steve L. Spradlin  
Douglas W. Marrs  
Mary W. Biggs  
James D. Politis

The meeting adjourned at 11:40 p.m.